

AMENDED IN SENATE AUGUST 22, 2014

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JULY 1, 2014

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2374

Introduced by Assembly Member Mansoor

February 21, 2014

An act to amend Section 11833 of, and to add Section 11830.01 to, the Health and Safety Code, relating to substance abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, as amended, Mansoor. Substance abuse: recovery and treatment services.

(1) Existing law grants the Department of Health Care Services the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities. The department is authorized to issue a license to specified types of facilities if certain criteria are met. Existing regulations require licensees to report specified events and incidents to the department, including, among others, the death of a resident at a licensed facility.

This bill would require the department to design its death investigation policy to ensure that the death of a resident of a licensed facility is addressed and investigated by the department in a timely manner. The bill would specify the content of telephonic and written reports of

resident deaths occurring in a licensed facility that are required to be reported to the department.

~~This bill would require a licensed facility to submit that a telephonic report be submitted to the department a telephonic report within 24 hours within one working day, and a written report within 7 calendar days, of the event or incident.~~

(2) Existing law grants the department the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law. The department, by regulation, requires that a person who will provide counseling services to those programs to register with, and be certified by, a nationally accredited certifying organization approved by the department.

~~This bill would authorize prohibit the department to revoke approval of from approving a certifying organization for those purposes that if the organization does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had his or her registration or certification revoked. The bill would require that an organization, to be eligible to be approved by the department for those purposes, deny a request for registration or certification of an applicant whose registration or certification as a counselor has been previously revoked, and to send an applicant a written notice of denial, including a statement that the applicant has the right to appeal that denial in accordance with applicable laws and regulations. The bill would require a certifying organization to deny a counselor's request for registration if the counselor's registration or certification has been previously revoked, and to send the counselor a written notice of denial.~~

~~This bill would, notwithstanding certain rulemaking provisions of the Administrative Procedure Act, authorize the department to implement, interpret, or make specific the provisions described above by all-county letters, plan letters, plan or provider bulletins, or similar instructions, until the time the department adopts regulations. The bill would require the department to adopt those regulations by December 31, 2017.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11830.01 is added to the Health and
2 Safety Code, to read:

3 11830.01. (a) The department's death investigation policy
4 shall be designed to ensure that a resident's death is addressed and
5 investigated by the department in a timely manner.

6 (b) The telephonic and written reports of resident deaths
7 occurring in a licensed facility that are required to be reported to
8 the department shall include, but not be limited to, a description
9 of the event or incident, including the time, location, and nature
10 of the event or incident, a list of immediate actions that were taken,
11 including persons contacted, and a description of the followup
12 action that is planned, including, but not limited to, steps taken to
13 prevent a future death.

14 ~~(c) A licensed facility shall submit a~~

15 ~~(c) A telephonic report described in required under subdivision~~
16 ~~(b), that which includes the event or incident and all information~~
17 ~~required pursuant to under subdivision (b) that is known at the~~
18 ~~time of the report, shall be submitted to the department within 24~~
19 ~~hours one working day of the event or incident.~~

20 ~~(d) A licensed facility shall submit a~~

21 ~~(d) A written report described in required under subdivision~~
22 ~~(b), that which includes all information required pursuant to under~~
23 ~~subdivision (b), shall be submitted to the department within seven~~
24 ~~calendar days of the event or incident.~~

25 SEC. 2. Section 11833 of the Health and Safety Code is
26 amended to read:

27 11833. (a) The department shall have the sole authority in
28 state government to determine the qualifications, including the
29 appropriate skills, education, training, and experience of personnel
30 working within alcoholism or drug abuse recovery and treatment
31 programs licensed, certified, or funded under this part.

32 (b) (1) Except for licensed professionals, as defined by the
33 department, the department shall require that an individual
34 providing counseling services working within a program described
35 in subdivision (a) be registered with or certified by a certifying
36 organization approved by the department to register and certify
37 counselors.

1 (2) The department ~~may revoke approval of~~ *shall not approve*
2 a certifying organization that does not, prior to registering or
3 certifying an individual, contact other department-approved
4 certifying organizations to determine whether the individual has
5 ever had his or her registration or certification revoked.

6 ~~(3) To be eligible to be approved by the department as a~~
7 ~~certifying organization, an organization is required to do both of~~
8 ~~the following:~~

9 ~~(A) Deny a request for registration or certification of an~~
10 ~~applicant whose registration or certification as a counselor has~~
11 ~~been previously revoked.~~

12 ~~(B) Send an applicant a written notice of denial that includes a~~
13 ~~statement that the applicant has the right to appeal that denial in~~
14 ~~accordance with applicable laws and regulations.~~

15 ~~(c) If a counselor's registration or certification has been~~
16 ~~previously revoked, the certifying organization shall deny the~~
17 ~~request for registration and shall send the counselor a written~~
18 ~~notice of denial. The notice shall specify the counselor's right to~~
19 ~~appeal the denial in accordance with applicable statutes and~~
20 ~~regulations.~~

21 ~~(e)~~

22 ~~(d) The department may shall have the authority to conduct~~
23 ~~periodic reviews of a certifying organization organizations to~~
24 ~~determine compliance with all applicable laws and regulations,~~
25 ~~including subdivision—(b) (c), and to take actions for~~
26 ~~noncompliance, including revocation of the department's approval.~~

27 ~~(d)~~

28 ~~(e) (1) Notwithstanding Chapter 3.5 (commencing with Section~~
29 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
30 ~~the department, without taking any further regulatory action, shall~~
31 ~~implement, interpret, or make specific this section by means of~~
32 ~~all-county letters, plan letters, plan or provider bulletins, or similar~~
33 ~~instructions until the time the department adopts that regulations~~
34 ~~pursuant to paragraph (2) are adopted.~~

35 ~~(2) The department shall, shall adopt regulations by December~~
36 ~~31, 2017, adopt regulations to implement, interpret, or make~~
37 ~~specific this section, in accordance with the requirements of~~

- 1 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
- 2 3 of Title 2 of the Government Code.

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